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5030 Sugarloaf Parkway
Lawrenceville, GA 30044

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OCT 06 2006

OFFICE OF PETITIONS

In re Application of Rodriguez et al.	:	
Application No. 09/894,508	:	Decision on Petition
Filing Date: June 28, 2001	:	
Attorney Docket No. A-7371	:	

This is a decision on the petition under 37 CFR 1.137(a) filed June 29, 2006, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **dismissed**.

Facts:

The application was filed on June 28, 2001.

The transmittal letter filed June 28, 2001, instructed the Office to send correspondence to the address associated with customer no. 05642. The Office entered the address associated with the customer number as the address of record. The address of record was,

SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
5030 SUGARLOAF PARKWAY
LAWRENCEVILLE, GA 30044

Papers filed September 10, 2001, and September 6, 2005, indicated correspondence should be sent to:

Scientific-Atlanta, Inc.
Intellectual Property Dept. MS 4.3.518
5030 Sugarloaf Parkway
Lawrenceville, GA 30044

The Office did not change the address of record.

A Notice of Non-Compliant Amendment was mailed September 6, 2006. The fact the transmittal sheet was not scanned into the image file wrapper is not proof the Notice was never mailed. The Office assumes the Notice was mailed to the "incorrect" address.

The Office failed to receive a reply to the Notice.

A Notice of Abandonment was mailed June 13, 2006.

Discussion:

Normally a showing the Office mailed a Notice to an incorrect address, without additional evidence, would result in the withdrawal of the holding of abandonment. However, the "incorrect" address only slightly differs from the correct address for the application. Therefore, additional evidence should be filed.

To establish non-receipt of the Notice, the request for reconsideration should:

- (1) include a statement from practitioner stating that the Office action was not received,
- (2) attest that a search of the file jacket has been made,
- (3) attest that a search of all relevant docket records has been made, and
- (4) include a copy of the docket record where the Office action would have been entered had it been received.

The Office notes the address of record has been changed to the address listed on the petition.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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Office of Petitions